

REMARKS

Upon entry of the above amendments, claims 17-36 will remain pending, and claims 37-39 will have been added. Initially, as a formal matter, Applicants note that there was an error in paragraph 4, page 5 of the Response filed November 21, 2005. At the end of that paragraph, it should have been stated that the present application claims recite an employee setup mechanism to create a database record for an employee.

The outstanding Office Action dated May 22, 2006 acknowledges that the drawings filed on September 29, 2000 are accepted. The Office Action further acknowledges that the claim of priority under 35 U.S.C. Section 119(a)-(d) or (f), and indicates that all certified copies of the priority documents have been received, and that copies of the certified copies of the priority documents have been received from the International Bureau.

Claims 17-36 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Hoover (US Patent No. 5,560,005) in view of Hollingsworth (US Patent No. 6,157,808). Each of these US Patents are newly cited in the Form PTO-892 which accompanied the Office Action.

The Examiner asserts that the Hoover patent teaches the recited data receive mechanism (Hoover, column 5, lines 50-51, and Figs. 2-3, and 6-9), the recited metric name input presenter (Hoover, column 5, lines 45-65, and Figs. 2-3, and 6-9), the recited data user type input presenter (Hoover, column 5, lines 45-65, and Figs. 2-3, and 6-9), the recited operator input presenter (Hoover, column 6, lines 15-40 and Figs. 2-3, and 6-9), and the recited data association mechanism (Hoover, column 6, lines 15-40, and Figs. 2-3, and 6-9).

The Examiner further states that, while Hoover does not expressly teach, among other features, features related to an integration engine and a performance management system database, the Hollingsworth patent teaches that such features are well known in the art, and that it would have been obvious that to add these features with the motivation of creating a more efficient system. See, for example, paragraphs 6 and 7 of the Office Action dated May 22, 2006.

The obviousness-type double patent rejection has been withdrawn.

In view of the above amendments, and in view of the following remarks, Applicants traverse the rejections in the outstanding Office Action and respectfully request withdrawal of the same.

The undersigned thanks the Examiner and the Supervisory Examiner for the courtesies extended in the personal interview held on September 13, 2006. Based on that interview, Applicants understand that the rejections will likely be withdrawn but that the claims will be examined further, e.g., in view of an updated search.

Independent claims 17 and 35 recite, among other features, receiving data units from a given source and storing these data units. The received data units as stored are associated with plural data unit types. The recited features include receiving data units and configuring a custom performance metric based on selected ones of the received data units.

The claims further recite that the name of the custom performance metric can be coined by the user by inputting a flexible textual character term. Data unit types are selected for use to formulate the custom performance metric, and at least one mathematical operation is defined to be performed on received and stored data units associated with the selected data unit types.

Applicants note that the Hoover et al. patent was directed to a general type object-based relational distributed database system. Applicants cannot identify in this reference an input presenter preconfigured to present, on a computer screen, certain types of fields, let alone the specific input presenters recited in, for example, independent claim 17 of the present application. The features recited, for example, in independent claim 17, are not simply a mechanism to input any type of data. The recited limitations include certain types of input presenters. Those input presenters are preconfigured to present, on a computer screen, certain types of input fields. Those input fields are further recited to include structure to receive from user input certain types of information. For example, the metric name input presenter is preconfigured to present, on a computer screen, a metric name input field.

Applicants note that the claim further recites a data association mechanism to associate the textual character term with the selected types and with the at least one defined mathematical operation.

Accordingly, the structure of claim 17 is not included in a general type of relational distributed database.

The general descriptions provided in portions of the Summary of the Invention in Hoover, e.g., in columns 5 and 6 as well as Figs. 2-3 and 6-9, further illustrate the fact that the Hoover et al. patent fails to disclose these recited limitations. None of the figures mentioned in the Office

Action, i.e., Figs. 2-3, and 6-9, includes a computer screen input field. Fig. 2 does not. Fig. 3 also fails to show any computer screen input fields. Fig. 6, which illustrates various types of tables (see, for example, column 7, lines 62-64 of the Hoover et al. patent), shows various types of tables. Tables are not computer screen input fields. Moreover, even if one were to consider that the table fields depicted in Fig. 6 were computer screen input fields, those fields would still fail to include features which would meet the limitations set forth in, for example, claim 17 or claim 35.

Each of independent claims 17, 35, and 37 recites, among other features, an operator input presenter preconfigured to present, on a computer screen, an operator input field to receive from user input at least one defined mathematical operation. That mathematical operation is a mathematical operation to be performed on received and stored data units associated with selected type terms in the formulation of a custom performance metric. The textual character term that coins the name for the custom performance metric is associated, by the recited data association mechanism, with the selected types and with the at least one defined mathematical operation.


The combination of these limitations recited in the independent claims is lacking in the Hoover et al. patent, and is further lacking in the other references of record, including, e.g., Hollingsworth.

Accordingly, reconsideration and allowance of the present application are requested, and notice to that effect is earnestly solicited.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

Dated: 10/23/06



Anthony L. Miele, Attorney for Applicants
Registration Number 34,393
Customer Number 000050048
Miele Law Group PC
2 Summer Street, Suite 306
Natick, MA 01760
Phone: 508-315-3677 Fax: 508-319-3001